

ENTERED

June 26, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ERIC PLUMMER and	§	CIVIL ACTION NO
BEARPAA ELECTRIC	§	4:23-cv-02338
LLC,	§	
Petitioners,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
DAVISON DESIGN &	§	
DEVELOPMENT INC,	§	
Respondent.	§	

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Petitioners Eric Plummer and Bearpaa Electric, LLC filed a complaint against Respondent Davison Design & Development, Inc seeking to vacate an arbitration award. Dkt 1.

Pending is a Memorandum and Recommendation by Magistrate Judge Christina A. Bryan, recommending that this case be dismissed without prejudice for want of prosecution due to a clear pattern of delay and failure to comply with court orders. Dkt 18.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d

1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

None of the parties filed objections. No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.


The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 18.

This case is DISMISSED WITHOUT PREJUDICE.

A final judgment will issue by separate order.

SO ORDERED.

Signed on June 25, 2024, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge